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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,947	02/04/2004	Hoe-Won Kim	678-1166	3784
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THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			EXAMINER	
			LAM, DUNG LE	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,947	Applicant(s) KIM, HOE-WON
	Examiner DUNG LAM	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on **3/27/08**.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) **1 and 5** is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) **1 and 5** is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1448 or PTO/152/00)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "...determines whether to skip the retransmission data block, and receives the retransmission data block without or after skipping the retransmission data block".

The underlined phrase "to skip" and "receives" is conflicting with one another. If the packet is skipped then it should not be received.

The limitation "after skipping" is also confusing because it is not clear what is "after" what? Is the "skipping" step the after/final step, or "after skipping" there is some other step? Thus, the last phrase "after skipping" seems to be incomplete. For examination purpose, the examiner will interpret the above italicized phrase as "to determine whether to skip receiving the retransmission data block."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chen et al (US Pub. No. 2003/0005382) in view of **Tikalsky** (US Pub. No. 4,908,828).

1. Regarding **claim 1**, **Chen** teaches a method for broadcasting data in a mobile communication system including a core network and a plurality of mobile stations (MSs) (102-104, Fig. 1 and wireless communication devices, WCD, para. 18), comprising the steps of:

- broadcasting, by the core network which splits the data to be transmitted into a plurality of main data blocks comprising a header block and transmission data block and a retransmission data block (transmit data frames, block 300 Fig. 3; [0005]; retransmission data [0029]), the data over one shared downlink channel to the MSs within one base transceiver station (BTS) service area (para. 5, 18 and 19);
- and generating, by the MSs, receiving report data indicating whether the data has successfully been received (the MSs/WCDs use ACKs or NAKs, also known as acknowledgement messages to indicate the received or lost packets and to request retransmissions, [0020-0022, 0026-0028]),
- transmitting the receiving report data to the core network at uniquely assigned uplink channel positions (acknowledgement messages are sent back to the network from WCDs via reverse channel, [0023]); and

- transmitting retransmission data blocks from the core network to the MSs following reception of the report data from the MSs ([0029-0030])

However, Chen does not specifically teach determining whether or not the retransmission data block should be received or skipped. In an analogous art, **Tikalsky** teaches that the receiver determines whether or not to accept a retransmitted packet by first examining whether the retransmitted packet has already been received. If it has not been received, then check to see if the actual retransmission data block has any errors. If there is no error then receives the packet. If there is error, then skip the retransmitted packet. Thus these steps require the receiver to check whether a retransmission data block exists in the retransmission data block position of the main data block received. (Abstract, C1 Ln 47-62, C2 Ln 43- 64, C3 L34-55, C4 Ln 49-66, C5 L27-60). Therefore, it would have been obvious for one skill in the art at the time of the invention to combine Chen's teaching with **Tikalsky**'s teaching of skipping the reception of a determining whether or not to skip the retransmission data block in order to avoid receiving duplicate or erroneous packets unnecessarily and thereby minimize resource consumption.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al** (US Pub. No. 2003/0005382) in view of **Tikalsky** (US Pub. No. 4,908,828) further in view of **Torsener** (US Publication No. 2005/0039101).

3. Regarding **claim 5**, **Chen and Tikalsky** teach a method of claim 1. However, they fail to teach that the MSs waits for a transmission request from the core network in order to uplink the receiving report data indicating whether the transmission data has

successfully been received. In analogous art, **Torsener** teaches that Node B may request the UE to report a status (para.80). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Chen's teaching of broadcasting data to have **Torsener**'s teaching of requesting the UE to send a report status since this modification would prevent Node B from being overwhelmed/overloaded with numerous reports when the network is too congested.

Response to Arguments

Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3g TS 25.322 v3.1.2 (2000-1) discloses a RLC protocol that teaches includes the teaching of splitting data into smaller segments (section 4.2.1.1, 4.2.1.3, p. 15), and duplicate detection (p. 15) and receiving a request from the network to send the reports/ACKs p.35).

Response to Arguments

Applicant's arguments filed 3/27/08 have been fully considered but they are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617